

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 3. AGRICULTURE

#### CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD

[R05-264]

#### PREAMBLE

**1. Sections Affected**

R3-11-101  
R3-11-102  
R3-11-105  
R3-11-108  
Table 1  
R3-11-109  
R3-11-201  
R3-11-203  
R3-11-304  
R3-11-401  
R3-11-402  
R3-11-403  
R3-11-501  
R3-11-502  
R3-11-606  
R3-11-803  
R3-11-805  
R3-11-807  
R3-11-902  
R3-11-903  
R3-11-904

**Rulemaking Action**

Amend  
Amend  
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Amend

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 32-2207(8)

Implementing statutes: A.R.S. §§ 32-2201, 32-2204(A), 32-2207(2), 32-2207(3), 32-2207(8), 32-2207(9), 32-2207(10), 32-2213, 32-2214, 32-2215, 32-2216(B), 32-2217, 32-2218, 32-2219, 32-2232(12), 32-2234, 32-2242, 32-2247, 32-2248, 32-2250, 32-2272, 32-2273, 32-2275, 32-2281, 41-1072 through 41-1079, 41-1092.09

**3. A list of all previous notices appearing in the *Register* addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 11 A.A.R. 2447, July 1, 2005

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Jenna Jones, Executive Director  
Address: 1400 W. Washington, Suite 240  
Phoenix, AZ 85007  
Telephone: (602) 364-1739  
Fax: (602) 364-1039  
E-mail: jenna.jones@vetbd.state.az.us

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**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The Board is amending its rules by addressing issues identified in its Five-Year-Review Report approved by the Governor's Regulatory Review Council on December 7, 2004. Most of the changes are technical in nature and are being made to improve clarity, conciseness, and understandability, update references, and correct statutory and rule time-frames and citations. Additionally, the Board is changing all references to the national board examination and continuing competency examination to the North American Veterinary Licensing Examination because the national board examination and continuing competency examination were last offered in 2000. The Board is adding a time-frame for action on a request for waiver of continuing education, specifying the continuing education information that must accompany a renewal application, adding requirements in Article 5, and updating its requirements in Articles 9. Finally, the Board is adding continuing education requirements for a veterinary technician.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Board did not review or rely on any study.

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

Annual cost/revenue changes are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000.

The rulemaking affects the Board, applicants, veterinary medical premises, licensees, temporary permittees, certificate holders, and consumers seeking physical therapy.

The Board bears moderate costs for writing the rule and related economic, small business, and consumer impact statement and mailing the new rules to interested persons.

The addition in R3-11-502 that requires a responsible veterinarian to place a message on the veterinary medical premise voice mail should have minimal impact on a veterinary medical premise. Requiring a veterinarian to enter the date a written entry is made to the medical record, if the entry is made on a date other than when the veterinary medical services were provided should have a minimal impact on a veterinarian or veterinary medical premises.

A veterinary medical premise that chooses to pay for continuing education for a veterinary technician may incur minimal costs. None of the rules in Article 7 are being amended so the remainder of the rules should have no direct impact on a veterinary medical premise.

The Board does not believe that the technical changes in the rules impose additional costs on a licensee, temporary permittee, or applicant for a veterinary medical license.

A certificate holder may incur minimal costs to complete 10 hours of continuing education during the two years immediately preceding license renewal. The Arizona Veterinary Medical Association intends to offer courses at a rate of \$10.00 to \$20.00 per credit hour. As stated previously, some veterinary medical premises choose to pay for continuing education for a veterinary technician.

Clarity in the rules benefits a licensee, temporary permittee, an applicant for a veterinary medical license, certificate holder, and consumer by providing the expected parameters of veterinary and veterinary technician practice.

Additionally, consumer benefit from the requirement for continuing education for veterinary technicians because the requirement assures that a veterinary technician is kept up-to-date on current veterinary practices.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Jenna Jones, Executive Director  
Address: 1400 W. Washington, Suite 240  
Phoenix, AZ 85007  
Telephone: (602) 364-1739  
Fax: (602) 364-1039  
E-mail: jenna.jones@vetbd.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

An oral proceeding will be conducted by the Board at the following location in the state for the purpose of taking oral and written testimony on the proposed rules from members of the public.

Date: August 31, 2005

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Time: 9:00 a.m.

Location: 1400 W. Washington, Room B1  
Phoenix, AZ 85007

The public record on the proposed rulemaking will close at 5:00 p.m. on August 31, 2005.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 3. AGRICULTURE**

**CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD**

**ARTICLE 1. GENERAL PROVISIONS**

Section	
R3-11-101.	Definitions
R3-11-102.	Board Meetings
R3-11-105.	Fees
R3-11-108.	Time-frames for Licensure, Certification, and Permit Approvals
Table 1.	Time-frames (in days)
R3-11-109.	Office of the Ombudsman-Citizens Aide

**ARTICLE 2. APPLICATION AND EXAMINATION FOR LICENSURE**

Section	
R3-11-201.	Application for a Veterinary Medical License
R3-11-203.	Information Required for Examination Qualification

**ARTICLE 3. TEMPORARY PERMITTEES**

Section	
R3-11-304.	Extension of Temporary Permits

**ARTICLE 4. CONTINUING EDUCATION REQUIREMENTS**

Section	
R3-11-401.	Continuing Education
R3-11-402.	Approval of Continuing Education
R3-11-403.	Documentation of Attendance

**ARTICLE 5. STANDARDS OF PRACTICE**

Section	
R3-11-501.	Ethical Standards
R3-11-502.	Standards of Practice

**ARTICLE 6. VETERINARY TECHNICIANS**

Section	
R3-11-606.	Application for a Veterinary Technician Certificate

**Notices of Proposed Rulemaking**

**ARTICLE 8. DRUG DISPENSING**

Section

- R3-11-803. Packaging Requirements
- R3-11-805. Storage
- R3-11-807. Dispensing ~~Drugs~~ a Controlled Substance or Prescription-only Drug

**ARTICLE 9. INVESTIGATIONS AND HEARINGS**

Section

- R3-11-902. Informal Interview
- R3-11-903. Formal Hearing
- R3-11-904. Rehearing or Review of Decisions

**TITLE 3. AGRICULTURE**

**CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD**

**ARTICLE 1. GENERAL PROVISIONS**

**R3-11-101. Definitions**

- 1. No change
- 2. No change
- 3. "Continuing education" means completing or presenting a workshop, seminar, lecture, conference, class, or instruction related to the:
  - a. practice ~~Practice~~ of veterinary medicine- if a veterinarian, or
  - b. Work as a veterinary technician if a veterinary technician.
- 4. No change
- 5. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change
- 10. No change
- 11. No change
- 12. No change
- 13. No change
- 14. No change
- 15. No change
- 16. No change
- 17. No change
- 18. No change
- 19. No change
- 20. No change
- 21. No change
- 22. No change
- 23. No change

**R3-11-102. Board Meetings**

- ~~A.~~ The Board shall:
  - 1. hold ~~Hold~~ its annual meeting in June of each year; and
  - 2. The Board shall make ~~Make~~ the date, time, and place of ~~an~~ its annual meeting available to the public at least 20 days before the date of the annual meeting.
- ~~B.~~ The Chair shall set a special meeting of the Board and instruct the executive director of the Board to notify each Board member of the special meeting date, time, and place at least 5 days before the special meeting date.

**R3-11-105. Fees**

- ~~A.~~ Veterinarian fees are as follows:
  - 1. No change

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2. No change
3. ~~National board examination, application only - \$225.00~~ North American Veterinary Licensing Examination, application only - \$100.00
4. ~~Clinical competency test, application only - \$200.00~~
5. ~~Regular license application, national board examination, clinical competency examination application, and state examination - \$400.00~~
- 6-4. No change
- 7-5. No change
- 8-6. No change
- 9-7. No change
- 10-8. No change
- 11-9. No change
- 12-10. No change
- B. No change
  1. No change
  2. No change
  3. No change
  4. No change
  5. No change
  6. No change
- C. No change
  1. No change
  2. No change
  3. No change
  4. No change
  5. No change
- D. No change
  1. No change
  2. No change
  3. No change
  4. No change
  5. No change
  6. No change
  7. No change
- E. No change
- F. No change
- G. No change
- H. No change

**R3-11-108. Time-frames for Licensure, Certification, and Permit Approvals**

- A. No change
- B. No change
- C. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.
  1. The administrative completeness review time-frame begins:
    - a. For approval to take a state, ~~national, or clinical competency~~ veterinary examination, the North American Veterinary Licensing Examination, or a national veterinary technician examination, or an Arizona veterinary technician examination, when the Board receives an application packet;
    - b. No change
    - c. For approval or denial of a veterinary medical license, when the applicant takes a state, ~~national, or clinical competency~~ veterinary examination or the North American Veterinary Licensing Examination required by A.R.S. § 32-2214;
    - d. For approval or denial of a veterinary technician certificate, when the applicant takes a national veterinary technician examination or Arizona veterinary technician examination required ~~in~~ by A.R.S. § 32-2243; or
    - e. No change
  2. No change
  3. No change
  4. No change
- D. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark

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date of administrative completeness.

1. No change
2. The Board shall send a written notice approving the applicant to take an examination or granting a license to an applicant who meets the qualifications and requirements in A.R.S. § 32-2201 through ~~32-2281~~ § 32-2296 and this Chapter.
3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. § 32-2201 through § ~~32-2281~~ 32-2296 and this Chapter.

**E.** No change

1. No change
2. No change

**F.** No change

**G.** No change

**Table 1. Time-frames (in days)**

Type of Applicant	Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Veterinary Medical License by Examination (R3-11-201)	Approval to Take a <del>National and Clinical Competency</del> <u>the North American Veterinary Licensing Examination</u>	A.R.S. § 32-2214	60	15	45
Veterinary Medical License by Examination, Endorsement, or for a Specialty License (R3-11-201)	Approval to Take a State Examination	A.R.S. § 32-2214	60	15	45
Temporary Permittee (R3-11-301)	Temporary Permit	A.R.S. § 32-2216	30	15	15
Veterinary License by Examination, Endorsement, for a Specialty License, or Temporary Permittee (R3-11-201 & R3-11-301)	Veterinary License	A.R.S. § 32-2212 A.R.S. § 32-2213	60	15	45
Veterinary Technician (R3-11-606)	Approval to Take a <u>National Veterinary Technician Examination or State Examination</u>	A.R.S. § 32-2243	60	15	45
Veterinary Technician (R3-11-606)	Veterinary Technician Certificate	A.R.S. § 32-2242 A.R.S. § 32-2244	60	30	30
Veterinary Medical Premises (R3-11-707)	Veterinary Medical Premises License	A.R.S. § <del>32-2271</del> A.R.S. § 32-2272	90	30	60
<u>Licensee (R3-11-405)</u>	<u>Approval for a Continuing Education Waiver</u>	<u>A.R.S. § 32-2207(8)</u>	<u>60</u>	<u>30</u>	<u>30</u>

**R3-11-109. Office of the Ombudsman-Citizens Aide**

~~Upon request, the~~ The Board shall notify the public about the existence of the office of the ombudsman-citizens aid by ~~provide~~ providing the ombudsman-citizens aide's name, address, and telephone number of the ombudsman-citizens aide on the Board's web site.

**ARTICLE 2. APPLICATION AND EXAMINATION FOR LICENSURE**

**R3-11-201. Application for a Veterinary Medical License**

**A.** No change

1. No change
2. No change

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3. No change
- B. Unless waived by A.R.S. § 32-2215(D), an applicant shall arrange to have an official transcript of the applicant's scores from the ~~national board examination and clinical competency examination~~ North American Veterinary Licensing Examination sent directly to the Board office by the professional examination service preparing the examination.
- C. If an applicant has passed the ~~national and clinical competency examinations~~ North American Veterinary Licensing Examination and is required to take only the state examination, the applicant shall submit the application no later than 30 days before the date the applicant intends to take the state examination.
- D. If an applicant is required to take the ~~national, clinical competency,~~ North American Veterinary Licensing Examination and state ~~examinations~~ examination, the applicant shall submit ~~the an~~ application no later than 60 days before the date the applicant intends to take the examinations.

**R3-11-203. Information Required for Examination Qualification**

- A. No change
- B. No change
- C. No change
- D. No change
- E. An applicant who has successfully passed the ~~National Board Examination and the Clinical Competency Test~~ North American Veterinary Licensing Examination within five calendar years preceding application for examination in Arizona shall request that a transcript of the scores be forwarded to the Board directly from the ~~Professional Examination Service~~ professional examination service.
- F. At the time of application, an applicant shall submit to the Board a passport type photograph of the applicant no larger than 1½ x 2 inches that was taken during the preceding six months.
- G. No change

**ARTICLE 3. TEMPORARY PERMITTEES**

**R3-11-304. Extension of Temporary Permits**

The Board shall extend a temporary permit as allowed by A.R.S. § 32-2216(B), only if the temporary permittee submits the application required by R3-11-301, qualifies under A.R.S. § 32-2216(B) and this Article, and is scheduled to take the next state examination following ~~a failed state examination~~ issuance of the extension.

**ARTICLE 4. CONTINUING EDUCATION REQUIREMENTS**

**R3-11-401. Continuing Education**

- A. During the two-year period preceding license expiration, ~~each applicant for license renewal~~ a licensee shall ~~have completed~~ complete 20 credit hours of Board approved ~~courses or programs relating to the practice of veterinary medicine~~ continuing education.
1. A maximum of two hours may be in practice management; and
2. ~~no more than~~ A maximum of five hours may be noncontact education, of which two hours may be by tapes.
- B. ~~A Licensees licensee~~ receiving an initial license in an even-numbered year ~~are is~~ required to ~~earn~~ complete ten credit hours of continuing education ~~prior to their before the licensee's~~ initial renewal date. Thereafter, ~~they are the licensee~~ subject to the requirements of subsection (A) of this rule shall complete 20 credit hours of continuing education.
- C. ~~During the two-year period preceding certificate expiration,~~ a certificate holder shall complete ten credit hours of Board approved continuing education.
- D. ~~A certificate holder receiving an initial certificate in an even-numbered year is required to complete five credit hours of continuing education before the certificate holder's initial renewal date. Thereafter, the certificate holder shall complete ten credit hours of continuing education.~~

**R3-11-402. Approval of Continuing Education**

The following continuing education is approved by the Board:

- A. For a veterinarian:**
1. Continuing education taught in ~~schools~~ a school of veterinary medicine; or
2. Continuing education sponsored by the Arizona Veterinary Medical Association, American Association of Veterinary State Boards, or a state or national veterinary association or academy approved by the Board.
- B. For a veterinary technician:**
1. Continuing education taught in a veterinary technician school or school of veterinary medicine; or
2. Continuing education sponsored by the Arizona Veterinary Medical Association, American Association of Veterinary State Boards, or a state or national veterinary technician association or academy approved by the Board.

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**R3-11-403. Documentation of Attendance**

Except as stated in R3-11-401(B) and (C), a licensee or certificate holder shall submit a written document of continuing education with a renewal application that is accompanied by a list of the required number of credit hours of approved continuing education. includes:

1. The name of the licensee or certificate holder;
2. The title of each continuing education;
3. The date of completion of each continuing education;
4. The number of credit hours of each continuing education; and
5. A statement, signed and dated by the licensee or certificate holder, verifying the information in the document.

**ARTICLE 5. STANDARDS OF PRACTICE**

**R3-11-501. Ethical Standards**

1. No change
2. No change
3. No change
4. No change
5. No change
6. A veterinarian shall ensure that emergency services are consistent with A.R.S. § 32-2201 through § ~~32-2284~~ 32-2296, this Chapter, and the needs and standards of the locality where the emergency medical services are provided.
7. No change
8. No change
9. No change

**R3-11-502. Standards of Practice**

**A.** No change

**B.** A responsible veterinarian shall ensure that a notice of where veterinary medical services may be obtained when the veterinary medical premises is not open for business:

1. Is placed on the voice mail of the veterinary medical premises, and
2. Contains the name, telephone number, and address of the veterinarian or veterinary medical premises that is available to provide veterinary medical services.

~~B.C.~~ No change

~~C.D.~~ No change

~~D.E.~~ No change

~~E.F.~~ No change

~~F.G.~~ No change

~~G.H.~~ No change

1. No change
2. No change
3. No change
4. No change
5. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change

~~H.I.~~ No change

~~I.J.~~ No change

1. No change
2. No change

~~J.K.~~ No change

1. No change
2. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change



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- f. No change
- 3. Maintain a dispensing log on the veterinary medical premises, separate from the inventory record for ~~2~~two years from the date of entry that contains for each controlled substance dispensed the:
  - a. No change
  - b. Strength and route of administration of the controlled substance,
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change

~~K.L.~~ Except as provided in subsection ~~(M)~~ (N), a veterinarian shall maintain on the veterinary premises for three years after the last date an animal receives veterinary medical services a written medical record containing the:

- 1. No change
- 2. No change
- 3. Date of veterinary services and date a written entry is made to the medical record, if the entry is made on a date other than when the veterinary medical services were provided;
- 4. Results of examination, including temperature, heart rate, respiratory rate, tentative or definitive diagnosis, and general condition of the animal, except for livestock;
- 5. No change
- 6. Name of each medication administered including dosage concentration, amount, and frequency, except when the medication is only offered in one size and strength;
- 7. Name of each medication prescribed including dosage concentration, amount, and frequency;
- 8. No change
- 9. No change
- 10. No change

~~L.M.~~ No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change

~~M.N.~~ No change

- 1. Is exempt from the requirements of subsection ~~(K)~~ (L);
- 2. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
- 3. No change

~~N.O.~~ No change

- 1. No change
- 2. No change

ARTICLE 6. VETERINARY TECHNICIANS

**R3-11-606. Application for a Veterinary Technician Certificate**

No earlier than January 1 and no later than 65 days before an examination date, an applicant for a veterinary technician certificate shall submit an application packet to the Board that contains:

- 1. A notarized application form, signed by the applicant, containing:
  - a. No change
  - b. No change
  - c. No change
  - d. No change
    - i. No change
    - ii. If application is based upon experience, the applicant shall submit the information required in ~~subsections (A) (2) and (3)~~ subsection (3);

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2. No change
3. No change
4. No change

ARTICLE 8. DRUG DISPENSING

**R3-11-803. Packaging Requirements**

- A. A veterinarian shall dispense ~~4~~ four ounces or less of a prescription-only drug in a childproof container unless the animal owner waives this requirements.
- B. No change
- C. A veterinarian may dispense more than ~~4~~ four ounces of a bulk prescription-only drug in a non-childproof container.
- D. A veterinarian may dispense a prescription-only ~~products~~ drug in the manufacturer's original dispensing package without repackaging the ~~product~~ prescription-only drug in a child-proof container.

**R3-11-805. Storage**

- A. No change
- B. No change
- C. A dispensing veterinarian shall store prescription-only drugs and prescription-only devices ~~shall be stored~~ in compliance with state and federal laws and in compliance with the manufacturer's requirements.

**R3-11-807. Dispensing a Controlled Substance or Prescription-only Drug**

- A. No change
  1. No change
    - a. No change
    - b. No change
    - c. No change
  2. No change
    - a. No change
    - b. No change
    - c. No change
  3. A dispensing veterinarian shall review the label of a repackaged controlled substance and the patient's medical record and ensure that the label complies with R3-11-502 ~~and R3-11-502(J)~~ and state and federal laws before the controlled substance is dispensed.
- B. No change
  1. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
  2. No change

ARTICLE 9. INVESTIGATIONS AND HEARINGS

**R3-11-902. Informal Interview**

- A. No change
  1. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
  2. During the informal interview:
    - ~~a.~~ The Board may:
      - ~~a.i.~~ No change
      - ~~b.ii.~~ No change
      - ~~c.iii.~~ No change
    - b. The licensee may question witnesses.

3. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change

B. No change

C. No change

**R3-11-903. Formal Hearing**

A. No change

B. If a formal hearing under A.R.S. § 32-2234 is to be held directly before the Board, the requirements in A.R.S. § 41-1092 through 41-1092.11 and the following apply:

1. The Board shall provide a written complaint and notice of formal hearing to a licensee at the licensee's last known address of record by personal service or certified mail, return receipt requested at least ~~20~~ 30 days before the date set for the formal hearing.
2. No change
3. No change
4. No change
5. No change
6. No change

**R3-11-904. Rehearing or Review of Decisions**

A. No change

B. No change

C. No change

D. No change

E. No change

F. No change

G. The Board shall rule on the motion for rehearing or review within 15 days after the response has been filed, or at the Board's next meeting after the motion is received, which ever is later. If a motion for rehearing or review is granted, the Board shall hold the rehearing or review within ~~420~~ 90 days from the date the Board issues the order for rehearing or review.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS**

[R05-271]

**PREAMBLE**

**1. Sections Affected**

R4-6-604

**Rulemaking Action**

Amend

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 32-3253(A)(1)

Implementing statute: A.R.S. §§ 32-3253(A)(1) and 32-3311(C)

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 11 A.A.R. 2447, July 1, 2005

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Sherry D. Blatner

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Notices of Proposed Rulemaking

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E-mail: sherry.blatner@bbhe.state.az.us

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The Board has initiated this rulemaking to provide clarity to an applicant for licensure as a marriage and family therapist regarding the required number of hours of clinical supervision needed under A.R.S. § 32-3311(C). The requirement of 200 hours of clinical supervision in the area of marriage and family therapy is refined to include the provision that at least 120 of the hours address issues focusing on couples, families, and relational systems. Without the revised language, it is possible that an applicant might present 200 hours of clinical supervision for therapy provided only to individuals. The Board believes it is essential that licensure for a Marriage and Family Therapist reflect that an applicant received supervision of therapy provided to couples and families, as well as individuals.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

This rulemaking will affect applicants for licensure as a marriage and family therapist. An applicant and the applicant's clinical supervisor will need to ensure that at least 120 of the 200 hours of clinical supervision address issues focusing on couples, families, and relational systems. The Board believes that this focus is already occurring and expects the rule to provide certainty to both the clinical supervisor and the supervisee of the Board's licensure requirement.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Sherry D. Blatner  
Address: 1400 W. Washington, #350  
Phoenix, AZ 85007  
Telephone: (602) 542-1889  
Fax: (602) 364-0890  
E-mail: sherry.blatner@bbhe.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Board of Behavioral Health Examiners has scheduled the following oral proceeding:

Date: August 30, 2005

Time: 11:00 a.m.

Location: To be determined. The Board is planning to relocate its offices during August. Please contact the person identified in item #4 to learn the location of the oral proceeding. The meeting location will also be posted on the Board's web site at [www.bbhe.state.az.us](http://www.bbhe.state.az.us).

Written comments on the proposed rulemaking may be submitted to the individual listed in item #4 until the close of record at 5:00 p.m. on September 29, 2005.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS**

**ARTICLE 6. MARRIAGE AND FAMILY THERAPY**

Section

R4-6-604. Clinical Supervision for Marriage and Family Therapy Licensure

**ARTICLE 6. MARRIAGE AND FAMILY THERAPY**

**R4-6-604. Clinical Supervision for Marriage and Family Therapy Licensure**

- A. During the supervised work experience required in R4-6-603, an applicant for licensure as a marriage and family therapist shall receive a minimum of 200 hours of clinical supervision in no less than 24 months; and at least 120 of the hours shall address issues focusing on couples, families, and relational systems.
- B. An applicant for licensure as a marriage and family therapist shall demonstrate satisfactory performance in the following areas: assessment, diagnostics, individual and group psychotherapy, referrals, personal integrity, appropriate use of supervision, insight into client's problems, objectivity, ethics, concern for welfare of clients, responsibility, boundaries, recognition of own limits, and confidentiality by having the applicant's clinical supervisor submit a performance evaluation on forms available from the Agency.
- C. The time span covered by the performance evaluation shall be the same as that for the supervised work experience requirement.
- D. Clinical supervision of an applicant for marriage and family therapist licensure shall be provided by a marriage and family therapist licensed in Arizona.
- E. An applicant may submit a written request to the marriage and family therapy credentialing committee for an exemption from the requirement of subsection (D). The request shall include the name of the behavioral health professional proposed by the applicant to act as the clinical supervisor, a copy of the proposed clinical supervisor's transcript and curriculum vitae, and any additional documentation requested by the committee. The marriage and family therapy credentialing committee shall review the supervision exemption request to determine whether the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for marriage and family therapist licensure. If the proposed supervisor has the necessary education, training, and experience, the marriage and family therapy credentialing committee shall grant the supervision exemption request.
  1. The marriage and family therapy credentialing committee will not grant an exemption request for an unlicensed clinical supervisor providing clinical supervision in Arizona after July 1, 2006, except that an exemption may be granted by the committee if the clinical supervisor holds a current active license to practice behavioral health at the independent level and is providing services pursuant to a contract or grant with the federal government under the authority of 25 U.S.C. 450 - 450(n) or 25 U.S.C. 1601 - 1683.
  2. Beginning on July 1, 2006, the marriage and family credentialing committee will not grant an exemption for a substance abuse counselor.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 23. BOARD OF PHARMACY**

[R05-252]

**PREAMBLE**

**1. Sections Affected**

R4-23-411

**Rulemaking Action**

Amend

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 32-1904(A)(1)

Implementing statute: A.R.S. § 32-1901(21) and (66)

Notices of Proposed Rulemaking

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 11 A.A.R. 2037, May 27, 2005

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Dean Wright, Compliance Officer

Address: Board of Pharmacy  
4425 W. Olive Ave., Suite 140  
Glendale, AZ 85302

Telephone: (623) 463-2727, ext. 131

Fax: (623) 934-0583

E-mail: rxcop@cox.net

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

During the March 16, 2005 Board meeting, the Board determined that several changes to R4-23-411 (Pharmacist-administered Immunizations) should be made as requested by the Arizona Pharmacy Alliance and interested pharmacists. The changes include the following: change pneumonia to pneumococcal, tetanus toxoid to tetanus booster, and add language to allow the administration of diphenhydramine during emergency situations. The changes in the vaccines are necessary because tetanus booster is used instead of tetanus toxoid and the proper term is pneumococcal instead of pneumonia. The addition of diphenhydramine is necessary because diphenhydramine is used more often than the epinephrine that is already in the rule. The training program already includes the proper use of both diphenhydramine and epinephrine. The Board feels these changes are a necessary clarification to ensure a clear, concise, and understandable rule for pharmacist-administered immunizations. The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The Board believes that approval of this rule benefits the public and the pharmacy community by clearly establishing standards for pharmacist-administered immunizations.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

The proposed rule will impact the Board, pharmacists, pharmacies, and the public. The proposed rule's impact on the Board will be the usual rulemaking-related costs which are minimal. The proposed rule will have no economic impact on pharmacies or pharmacists. The proposed rule will for clarification change the names of two vaccines that pharmacists may administer and add diphenhydramine as a drug a pharmacist is allowed to administer in an emergency situation. The proposed rule has no economic impact on the public.

The public, Board, pharmacists, and pharmacies benefit from rules that are clear, concise, and understandable. The proposed rule benefits the public, the Board, and the pharmacy community by clearly establishing the standards for pharmacist-administered immunizations.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Dean Wright, Compliance Officer

Address: Board of Pharmacy  
4425 W. Olive Ave., Suite 140  
Glendale, AZ 85302

Telephone: (623) 463-2727, ext. 131

Fax: (623) 934-0583

E-mail: rxcop@cox.net

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Comments may be written or presented orally. Written comments must be received by 5 p.m., Monday, August 29, 2005. An oral proceeding is scheduled for:

Date: August 29, 2005

Time: 10:00 a.m.  
Location: 4425 W. Olive Ave., Suite 140  
Glendale, AZ 85302

A person may request information about the oral proceeding by contacting the person listed in item #9.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 23. BOARD OF PHARMACY**

**ARTICLE 4. PROFESSIONAL PRACTICES**

Section

R4-23-411. Pharmacist-administered Immunizations

**ARTICLE 4. PROFESSIONAL PRACTICES**

**R4-23-411. Pharmacist-administered Immunizations**

- A. Authority to administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine. If a pharmacist meets the qualifications and standards specified by this Section and the Board certifies the pharmacist, the pharmacist may administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine to an eligible patient 18 years of age and older upon receipt of a valid prescription order. The Board shall certify a pharmacist who meets the qualifications established in subsection (B). A pharmacist who has authority to administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine shall not delegate the authority to any other pharmacist or employee.
- B. Qualifications for authorization to administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine. After receipt of a completed application form, the Board shall issue a certificate authorizing the administration of hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine to a pharmacist who meets the following qualifications:
1. Has a current, unrestricted license to practice pharmacy in this state;
  2. Successfully completes a training program specified in subsection (C); and
  3. Has a current certificate in basic cardiopulmonary resuscitation.
- C. Pharmacist-administered immunizations training program requirements. A training program for pharmacists to administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine shall include the following courses of study:
1. Basic immunology and the human immune response;
  2. Mechanics of immunity, adverse effects, dose, and administration schedule of available vaccines;
  3. Response to an emergency situation as a result of the administration of an immunization, including administering epinephrine and diphenhydramine based on a patient-specific prescription order received before administering of an immunization;
  4. Administration of intramuscular injections;
  5. Other immunization administration methods; and
  6. Recordkeeping and reporting requirements specified in subsection (D).
- D. Recordkeeping and reporting requirements.
1. In addition to filing the prescription order as required in A.R.S. § 32-1964, a pharmacist granted authorization under this Section to administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine shall maintain in the pharmacy

**Notices of Proposed Rulemaking**

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for a minimum of seven years the following documentation regarding each immunization administered:

- a. The name, address, and date of birth of the patient;
  - b. The date of administration and site of injection;
  - c. The name, dose, manufacturer's lot number, and expiration date of the vaccine or, in an emergency, epinephrine or diphenhydramine;
  - d. The name and address of the patient's primary health care provider, as identified by the patient;
  - e. The name and address of the prescribing medical practitioner, if different from the patient's primary health care provider;
  - f. The name of the pharmacist administering the immunization;
  - g. A record of the pharmacist's consultation with a patient determining that the patient is an eligible patient as defined in R4-23-110;
  - h. The date that the written report specified in subsection (D)(2) was sent to the patient's primary health care provider;
  - i. Consultation or other professional information provided to the patient by the pharmacist; and
  - j. The name of the vaccine information sheet provided to the patient.
2. The pharmacist shall provide a written report to the patient's primary health care provider of documentation required in subsection (D)(1) within 14 days of the immunization. The required records specified in this subsection shall be available in the pharmacy for inspection by the Board or its designee.
- E.** Confidentiality of records. The records identified in subsection (D) that include specific patient information are confidential. A pharmacist, pharmacy permittee, or pharmacist-in-charge shall comply with applicable state and federal privacy statutes and rules when releasing patient health information.
- F.** Renewal of a certificate for pharmacist-administered immunizations. A certificate authorizing a pharmacist to administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine shall be renewed biennially by November 1. Any pharmacist desiring to renew the certificate shall provide proof of the following:
1. Current certification in basic cardiopulmonary resuscitation, and
  2. Completion of a minimum of two contact hours (0.2 CEU) of continuing education related to immunizations. A pharmacist may use the continuing education hours required in this subsection as part of the total continuing education hours required for pharmacist license renewal.